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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,535	01/27/1999	ROBERT LINLEY MUIR	2663/FBR	6165

26304 7590 10/16/2003

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575 MADISON AVENUE  
NEW YORK, NY 10022-2585

EXAMINER
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BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 10/16/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/238,535

Applicant(s)

MUIR, ROBERT LINLEY

Examiner

Julie K Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9-12-03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9, 10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 12, 2003 has been entered.

### ***Drawings***

The drawings were received on August 18, 2003. These drawings are approved by the Examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong et al., U.S. Patent No. 5,762,552 in view of Trovato,

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U.S. Patent No. 6,183,364 B1. Vuong et al. discloses a distributed gaming system comprising a server and a plurality of gaming consoles (See Vuong Fig. 1; col. 4 lines 12-13). A game platform interface comprises platform code running on the server and console platform code running on each gaming console (See Vuong col. 6 lines 9-40). For example, the gaming machine that is considered the server has its own platform code just as each individual player terminal runs its own platform code. A plurality of game programs are stored on the server and are selectable by the player operating one of the consoles (See Vuong col. 9 lines 5-8). The server platform code located in and running on the server functions to transfer, i.e. distribute, at least one item of the game to the console on which the respective game has been selected to be played by a player. The server is only permitted to interact with program code via functions provided by the execution of the server platform code. The console platform code operating on the console functions to execute the at least one program transferred to the console to provide a game function on the console for play by a player. Furthermore, the program includes a combinations program and a graphics/audio program where in execution of the combinations program to determine a game outcome is performed on the server as a function provided by execution of the server platform code. A graphics/audio program file is distributed to the consoles for execution as a function of execution of the respective console platform code to display the game outcome determined on the server to a player playing the game on the

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respective console (See Vuong col. 6 lines 9-40). For example, the server determines a game outcome via the combinations program and transfers the game outcome along with audio and visual files to the console so that the player may view the game and outcome directly. Furthermore, a plurality of functional program files are saved on the server and each of the functional program codes provide the same functions for a different one of the games (See Vuong col. 9 lines 5-26). For example, multiple game outcomes can be stored on the server and are then provided to the consoles to illustrate the outcome of the game played. It would have been obvious at the time the invention was made for the function to be a currency type and/or denomination function, which includes a graphical representation of a currency symbol. Vuong clearly discloses taking wagers from players in monetary amounts (See Vuong col. 9 lines 8-13). Hence, it is obvious to provide a programming module to handle wagers in the game. It is well known throughout the art to display a player's wager on the game display as a graphical representation of a currency symbol. By displaying to a player his wager, the player visually knows how much they are willing to risk in game play. Vuong et al. lacks in specifically disclosing that the game program comprises a plurality of functional program modules.

Trovato teaches of an electronic game in which each game program comprises a plurality of separate functional program modules which when executing are arranged to interact with each other only via functions provided by execution of the platform interface (See Trovato col. 2 lines 36-41; col. 3

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lines 4-25; Fig. 2b). It is well known throughout the art that game programs are broken up into a plurality of modules that interact with each other for the purpose of executing an overall program. By dividing up programs into modules, the program becomes more manageable and able to be amended or corrected easily. Consequently, it would have been obvious to one of ordinary skill in the art to incorporate programming modules into the game of Vuong. By having the code be divided up into modules, the program is more manageable and easier to implement.

#### ***Response to Amendment***

It has been noted that claims 9, 10 and 13-18 have been amended. Claims 1-8, 11-12 and 19-55 have been cancelled.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Citation of Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Schneier et al., U.S. Patent No. 6,099,408.

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--Schneier et al. discloses a distributed gaming system in which the game outcomes are determined in a central computer and then transmitted to the player via a network interface.

2. Goldberg et al., U.S. Patent No. 5,823,879.

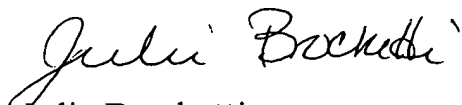
--Goldberg et al. discloses the use of gaming modules in the central computer and the modules are transmitted to the local gaming stations.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg SPE can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-5648.



Julie Brockett  
Examiner  
Art Unit 3713  
October 9, 2003